

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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|--------------------------------------|---|----------------------|
| KAREN ANDERSON, | : | |
| Plaintiff, | : | |
| v. | : | CIVIL ACTION |
| CITY OF PHILADELPHIA, | : | |
| and | : | Number: 1-cv-11-5614 |
| DEPARTMENT OF LICENSES & INSPECTIONS | : | |
| and | : | |
| FRAN BURNS | : | |
| and | : | |
| B. CLARK, | : | |
| and | : | |
| JPC GROUP | : | |
| Defendants, | : | |
| and | : | |
| SURILLO & PAREDES GEN'L CONT., INC. | : | |
| Third-Party Defendant. | : | |

JOINT DISCOVERY PLAN – RULE 16 CONFERENCE DATE: March 28, 2012

Plaintiff, Defendants, and Third-Party Defendant (all defendants collectively as “Defendants”) through their respective counsel, submit this Proposed Discovery Plan.

I. BRIEF SUMMARY OF THE FACTS

By Plaintiff:

Plaintiff owns 1601-03 South 22nd Street, Philadelphia, Pennsylvania (“Property”) which she was in the process of developing based on an appraisal and estimate. On or about February 2, 2011, the building was demolished at the direction of the City of Philadelphia. While the demolition was underway, Plaintiff told demolition workers, later identified as employees of Surillo & Paredes (“S&P”) that she had not received notice of the demolition. The employees told Plaintiff she would have to contact Philadelphia L&I to stop the demolition.

On or about February 2, 2011, Plaintiff contacted Philadelphia License and Inspections (“L&I”) and told them that she had not received notice of the demolition. L&I employees told Plaintiff she would have to contact the Philadelphia Police Department which the Plaintiff did. The Police took the Plaintiff’s report but did nothing to stop the demolition. The building was completely demolished.

By Defendants:

City of Philadelphia Defendants:

JPC Group, Inc. ("JPC"): The City contracted with JPC to demolish the Property, and JPC, in turn, subcontracted with third-party defendant, Surillo and Paredes General Contracting, Inc. ("S&P") to perform the demolition work. JPC never had any contact with Plaintiff, was not on-site at any times relevant to this matter, and through its subcontractor, S&P, performed the demolition work as directed by the City.

S&P:

JPC subcontracted the demolition of the property to Surillo and Paredes, (S&P) on January 26, 2011. S&P had no contact with the City of Philadelphia or the plaintiff. S&P has been unable to locate any documents regarding this demolition. In the usual course of business, S&P is contacted by Charles DiMasa from JPC and asked to come to curbside with other contractors to bid on the demolition job. S&P assumes that the City follows the proper procedures to determine that demolition is necessary and that the owner has been properly notified. In the usual course of business, if an owner would come to the site and protest the demolition, S&P would immediately notify JPC for further instructions.

In the usual course of business, the subcontract is presented to S&P at the jobsite by Charles Di Masa. The contract in this case is ambiguous and does not clearly express the intent of S&P at the time the contract was signed.

II. STATUS OF SETTLEMENT NEGOTIATIONS

Following the exchange of paper discovery and Plaintiff's deposition, the parties will explore early resolution.

III. PROPOSED DISCOVERY PLAN

A. **Initial Disclosures.** The Parties will serve their Initial Disclosures within 14 days after the Parties' Rule 26(f) conference, per Rule 26(a)(1)(C).

B. **Anticipated Scope of Discovery.**

Counsel agree that the subjects for discovery include:

1. the circumstances surrounding the notice of demolition;
2. the circumstances of the demolition and Plaintiff's attempts to notify the Defendants;
3. was the property imminently dangerous
4. the procedures for determining when a imminently dangerous property is to be demolished;
5. the procedures to ensure that the City of Philadelphia follows its rules and regulations;
6. the contractual agreements between Defendants regarding the demolition;

7. the personnel involved in determining that the Property was to be demolished, and the action by the City of Philadelphia to notify Plaintiff;
 8. Defendants' defenses to Plaintiff's claims;
 9. Defendants' conduct relating to Plaintiff's claims.
- C. **Discovery of Digital Information.** The parties have conferred regarding the production of digital information. The parties do not believe the production of digital information is necessary in this litigation but will confer in good faith should the need arise.
- D. **Discovery End Date.** The parties propose the following discovery deadlines:
1. All Fact discovery to be completed by July 1, 2012;
 2. Plaintiff's expert reports due on August 1, 2012;
 3. Defendant's expert reports due on September 1, 2012; and
 4. Expert depositions completed by November 1, 2012.
- E. **Necessity of Changes or Limitations of Discovery.** The Parties do not anticipate requesting any changes to the discovery limitations set forth in the Federal Rules of Civil Procedure.
- F. **Protective Orders.** The Parties agree that production of personnel files of individuals not party to this litigation may be subject to confidentiality provisions and will make any efforts amongst themselves to agree to confidentiality if necessary.
- G. **Deadline for Joining Parties.** The deadline for joining additional parties is June 1, 2012.
- H. **Deadline for Amending Pleadings.** The deadline for amending pleadings without leave of Court is August 1, 2012.
- I. **Dispositive Motion Deadline.** All dispositive motions are due on January 1, 2013.
- J. **Trial.** This case will be ready for trial within 30 days of decisions being rendered on dispositive motions.
- K. **Early Resolution.** The Parties will explore early resolution of this case and inform the Court if arbitration or mediation would be helpful.

/s/ Louis S. Schwartz
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(incorrectly identified as JPC Group)

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